

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

COURIER SOLUTIONS INC.,

Plaintiff,

V.

Civil Action No. 3:08-cv-2254-N

CSA DELIVERY, INC., d/b/a COURIER
SOLUTIONS OF AMERICA, INC.,
WOODROW CLAYTON, SR., WOODROW
CLAYTON, JR., DARLENE CLAYTON,
ACTION COURIER & LOGISTICS, LLC,
NORTH AMERICAN PRESORT, INC., and
HOUSTON AREA COURIERS, INC.,

Defendants.

TRIAL WITNESS LIST OF PLAINTIFF

TO THE HONORABLE DAVID GODBEY, UNITED STATES DISTRICT JUDGE:

Plaintiff Courier Solutions, Inc., hereby files this its witness list for trial, and states the following.

WITNESSES

| Witness Name | Brief Summary of Testimony | Est. Length of Examination |
|---------------------|---|-----------------------------------|
| Darlene Clayton | Darlene Clayton was not initially involved in the business, but came in later. She began using the trade name "Courier Solutions of America." The business has now been shifted to Action Courier & Logistics which is performing the same business that had formerly been done under the name of "Courier Solutions of America." | 2 hours |

| Witness Name | Brief Summary of Testimony | Est. Length of Examination |
|---------------------------------------|--|-----------------------------------|
| Woodrow Clayton, Jr. | Father had developed the business and he assisted at a later time. Plaintiff's shareholders assisted in establishing Florida business. | 1.5 hours |
| Woodrow Clayton, Sr. | Contacted Loftis, Williams, and Young to establish Courier Solutions, Inc., and with their assistance opened up numerous additional offices for the business of CSI. He directed the overall business development and was instrumental in obtaining business for CSI. Knowing that CSI had developed a national trademark, he began using the same for the business known as "Courier Solutions of America." Orchestrated a bribery scheme for the Washington Mutual business. Despite the fact that he was in charge of business development for CSI, he diverted business opportunities to other entities. | 4.5 hours |
| James P. Gorzalski (by deposition) | Minority certification policies and procedures at Washington Mutual were poorly administered. When Jason Loftis began making inquiries in 2008, the contract records at Washington Mutual were changed to reflect that the business was solely that of Clayton owned entities. | 1 hour |
| Debra Grajada | Defendants utilized the trade name "Courier Solutions" in numerous locations throughout the country and transferred all business to Action Courier & Logistics after disputes arose with Plaintiff's shareholders. | 45 minutes |
| Jason Loftis | CSI was created in 2001 jointly with Clayton, Sr., and expectation of development nationwide business as a minority certified company with Clayton bringing in the business and the three (3) African American shareholders qualifying | 3 hours |

| Witness Name | Brief Summary of Testimony | Est. Length of Examination |
|---|--|-----------------------------------|
| | the company for minority status. CSI developed its owned distinctive trademark and trade dress, which was infringed upon by Defendants and Plaintiff was damaged by Defendants diversion of business opportunities. Discovered business diversions in 2008 and made inquiries at Washington Mutual. Testimony on damages. Clayton (Sr.) Admitted he had been caught. | |
| Cinnamon Muhlbauer (by deposition) | Was employed as a diversity specialist at Washington Mutual and determined that there were concerns to be addressed with Jason Loftis contacted the company in 2008, but was told to back off and not be involved despite significant concerns over treatment of CSI. | 1 hour |
| AJ Shepard | Was the minority business “partner” with Clayton, Sr., in a company known as Houston Area Couriers, Inc., but Clayton diverted business of Houston Area Couriers to other entities. Clayton (Sr.) cannot be trusted. | 1.5 hour |
| June Thoreson Rogers (by deposition) | Conducted an investigation into the alleged bribery scheme involving Nigel Simpson and his wife. Concluded that Clayton, Sr., was not credible but terminated investigation upon learning that Simpson was longer with Washington Mutual and therefore posed no further risk to Washington Mutual. | 1 hour |
| Oliver Williams | CSI was created in 2001 jointly with Clayton, Sr., and expectation of development nationwide business as a minority certified company with Clayton bringing in the business and the three (3) African American shareholders qualifying the company for minority status. CSI developed | 2 hours |

| Witness Name | Brief Summary of Testimony | Est. Length of Examination |
|--------------|---|----------------------------|
| | its owned distinctive trademark and trade dress, which was infringed upon by Defendants and Plaintiff was damaged by Defendants diversion of business opportunities. Discovery in 2008 of diversion. Plaintiff's damages. Clayton (Sr.) admitted he had been caught. | |
| Tony Young | CSI was created in 2001 jointly with Clayton, Sr., and expectation of development nationwide business as a minority certified company with Clayton bringing in the business and the three (3) African American shareholders qualifying the company for minority status. CSI developed its owned distinctive trademark and trade dress, which was infringed upon by Defendants and Plaintiff was damaged by Defendants diversion of business opportunities. Clayton (Sr.) admitted he had been caught. | 1.5 hours |

Plaintiff reserves the right to call rebuttal or impeachment witnesses, and intends to cross-examine Defendants' witnesses to elicit evidence.

Dated: September 20, 2010.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above was served on the following attorneys of record in accordance with the Federal Rules of Civil Procedure on the 20th of September, 2010:

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/s/ Emil Lippe, Jr.
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